

DOCKET NO.: WEST14-00022  
CUSTOMER NO.: 23990



10-31-05

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Paul F. Struhsaker et al.  
Application No. : 09/839,457  
Filed : April 20, 2001  
For : WIRELESS ACCESS SYSTEM FOR ALLOCATING AND  
SYNCHRONIZING UPLINK AND DOWNLINK OF TDD  
FRAMES AND METHOD OF OPERATION  
Group No. : 2663  
Examiner : Duc T. Duong

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

The undersigned hereby certifies that the following documents:

- 1) Part B Issue Fee Transmittal (in duplicate);
- 2) Check in the amount of \$1,030.00 for issue fee (\$700.00), publication fee (\$300.00) and soft copies of patent (\$30.00);
- 3) Fee Transmittal for FY 2005 (in duplicate);
- 4) Letter to Official Draftsman;
- 5) Eight (8) sheets of replacement drawings;
- 6) Request for Corrected Notice of Allowance with redline copy of Notice of Allowance;
- 7) Change of Correspondence Address; and
- 8) A Postcard receipt

relating to the above application, were deposited as "Express Mail", Label No. EV640162382US with the United States Postal Service, addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 28, 2005.

Date:

OCTOBER 28, 2005

Mailer

Kathleen Newsome

Date:

OCTOBER 28, 2005

William A. Munck

Reg. No. 39,308

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: [wmunck@davismunck.com](mailto:wmunck@davismunck.com)



DOCKET NO.: WEST14-00022  
Customer No.: 23990

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of : Paul F. Struhsaker et al.  
Application No. : 09/839,457  
Filing Date: : April 20, 2001  
Title : WIRELESS ACCESS SYSTEM FOR ALLOCATING AND  
SYNCHRONIZING UPLINK AND DOWNLINK OF TDD  
FRAMES AND METHOD OF OPERATION  
Group Art Unit : 2663  
Examiner : Duc T. Duong

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**LETTER TO OFFICIAL DRAFTSMAN**

In response to the Notice of Allowance mailed July 28, 2005, Applicant submits eight (8) sheets of formal drawings (Figures 1-8) in the above-identified patent application.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: October 28, 2005

William A. Munck  
Registration No. 39,308

P.O. Drawer 800889  
Dallas, Texas 75380  
Tel: (972) 628-3600  
Fax: (972) 628-3616  
Email: [wmunck@davismunck.com](mailto:wmunck@davismunck.com)



### Notice of Allowability

Application No.

09/839,457

Examiner

Duc T. Duong

Applicant(s)

STRUHSAKER ET AL.

Art Unit

2663

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/16/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11/17/03.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Art Unit: 2663



**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or make obvious the step of or means for **"determining from traffic requirements associated with said access requests, a downlink portion of TDD frames used by one or more of a plurality of RF modems in said RF modem shelf to communicate with one of said first group of wireless access devices that is longest relative to a downlink portion of TDD frames used by any other of said RF modems to communicate with one of said first group of wireless access devices, and a time duration of said longest downlink portion of TDD frames"**, when such determining means is considered within the specific structure of the device recited in claims 1 and 11. The prior art of record fails to teach or make obvious the step of or means for **"frame allocation is further determined from a time duration of a guard band between said uplink portions and said downlink portions"**, when such frame allocation is considered within the specific structure of the device recited in claims 5 and 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2663


**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD  
DD

  
RICKY NGO  
PRIMARY EXAMINER

7/15/05